

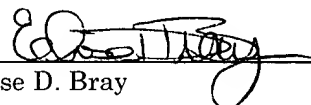
PATENT



RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on December 9, 2002.*

  
Elise D. Bray

Applicant : Keiko Matsubara, et al.  
Application No. : 09/672,287  
Filed : September 28, 2000  
Title : NEGATIVE ACTIVE MATERIAL FOR RECHARGEABLE LITHIUM BATTERY ELECTRODE FOR RECHARGEABLE LITHIUM BATTERY, RECHARGEABLE LITHIUM BATTERY AND METHOD OF PREPARING NEGATIVE ACTIVE MATERIAL FOR RECHARGEABLE LITHIUM SECONDARY BATTERY

Grp/Div. : 1745  
Examiner : Dah Wei D. Yuan  
Docket No. : 40589/DBP/Y35

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RESPONSE TO FINAL OFFICE ACTION

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
December 9, 2002

Commissioner:

In response to the Final Action of August 2, 2002, Applicants submit the following remarks. Claims 1 to 4, 6 to 11 and 13 to 15 are pending. The Examiner rejected claims 1 to 4, 7 and 8 under 35 U.S.C. § 102(e) as allegedly anticipated by Goda et al. (U.S. Patent No. 6,004,695). Applicants respectfully traverse this rejection.

Claim 1 recites a negative active material for a rechargeable lithium battery comprising a particle-agglomerated product comprising a carbonaceous material and an amorphous metal compound, the carbonaceous material being a material into or from which lithium is intercalated or deintercalated, and the amorphous metal compound being able to make an alloy with lithium

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**Application No. 09/672,287**

and including one or more metals selected from the group consisting of Sn, Ag, Fe, Pd, Pb, Al, Si, In, Ni, Co, An and Cd.

Goda does not teach or suggest the claimed particle-agglomerated product. Applicants submits herewith a declaration by Dr. Keiko Matsubara pursuant to 37 C.F.R. § 1.132. As explained in the declaration, Dr. Matsubara, an expert in the field of anode materials for Li ion batteries, prepared a dried slurry product according to the procedure described in Goda. As shown in the photographs accompanying the declaration, the product prepared according to Goda's method had dried products of the tin acetate solution deposited on the surface of the natural graphite, and the natural graphite maintained a tin flake shape, indicating that a particle-agglomerated product was not produced. Accordingly, Goda does not inherently disclose a particle-agglomerated product as presently claimed. Applicants therefore respectfully request that the rejection over Goda be withdrawn.

The Examiner indicated that the subject matter of claims 6, 9 to 11 and 13 to 15 is allowable. In view of the foregoing remarks, Applicants respectfully submit that all of pending claims 1 to 4, 6 to 11, and 13 to 15 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Kathleen M. Olster  
Reg. No. 42,052  
626/795-9900

KMO/edb  
Enclosures: Rule 132 Declaration  
1 sheet of photographs

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